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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

MEETING MINUTES:

BOARD OF PROFESSIONAL LAND SURVEYORS

DATE AND TIME:

June 20, 2013 at 8:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, second floor of the Cannon Building

APPROVED:

August 15, 2013

MEMBERS PRESENT

James Bielicki, Jr., Professional Member, Chairman
Franco R. Bellafante, Professional Member, Vice-Chair
Charles Adams, Jr., Professional Member
Mark Rosenthal, Public Member
Thomas Plummer, Public Member

DIVISION STAFF

Kevin Maloney, Deputy Attorney General
LaToya Stephens, Administrative Assistant II

MEMBERS ABSENT

Kenneth Monroe, Public Member, Secretary

PUBLIC

Larry McBride
Kevin Cantera

CALL TO ORDER

Mr. Bielicki called the meeting to order at 8:34 a.m.

Review and Approval of Minutes

Mr. Kenneth made a motion, seconded by Mr. Rosenthal, to approve the May 16, 2013 minutes as amended. By unanimous vote, the motion carried.

Unfinished Business

Continued Workshop Review

Possible amendment to Title 25, Chapter 3 regarding survey requirements for conveyances

Mr. Bielicki presented a synopsis to the Board for the possible amendment to Title 25, Chapter 3 regarding survey requirements for conveyances. The Board would review the synopsis during the July break and reconvene on the synopsis and possible amendment at the August 15, 2013 meeting.

Complaint Status

05-01-12 – Closed by the Division of Professional Regulation, Insufficient Evidence

NEW BUSINESS

Courses for Continuing Education Approval

HalfMoon Education Inc. (Tabled at previous meeting)

Best Practices in GPS Surveying – 6.5 PDH

GPS and GIS for Engineers and Land Surveyors – 6.5 PDH

State Plane Coordinate System Workshop – 7 PDH

Mr. Plummer reviewed the PDH applications from HalfMoon Education Inc. for the approval of the courses Best Practices in GPS Surveying, GPS and GIS for Engineers and Land Surveyors, and State Plane Coordinate System Workshop. After discussion, Mr. Plummer made a motion, seconded by Mr. Adams, to approve the courses for a total of 20 PDHs as requested. By unanimous vote, the motion carried.

Aleksandar Grkovic – Maryland Society of Surveyors (Tabled at previous meeting)

Exam Prep: MD Law & Ethical Issues; Road Grade and Storm Drain – 8 PDH

Mr. Plummer reviewed the PDH application from Aleksandar Grkovic for the approval of the course Exam Prep: MD Law & Ethical Issues; Road Grade and Storm Drain. After discussion, Mr. Plummer made a motion, seconded by Mr. Adams, to approve the course for a total of 8 PDHs, with an ethics designation of 4 PDHs as requested. By unanimous vote, the motion carried.

James Hunt – PA Association of Professional Land Surveyors (Tabled at previous meeting)

ALTA/ACSM Land Title Surveys – 4 PDH

Mr. Plummer reviewed the PDH application from James Hunt for the approval of the course ALTA/ACSM Land Title Surveys. After discussion, Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve the course for a total of 4 PDHs as requested. By unanimous vote, the motion carried.

Woodrow Botts – PA. Association of Professional Land Surveyors (Tabled at previous meeting)

Legal Considerations for Surveyors – 4 PDH (Requesting 2 ethics designation)

Mr. Plummer reviewed the PDH application from Woodrow Botts for the approval of the course Legal Considerations for Surveyors. After discussion, Mr. Plummer made a motion, seconded by Mr. Adams, to approve the course for a total of 4 PDHs with an ethics designation of 2 PDHs as requested. By unanimous vote, the motion carried.

Nicholas Remy – PA Association of Professional Land Surveyors

Highway Culvert Design – 4 PDH

Applied Geology Part #1 – 4 PDH

Working Geology Part #2 – 4 PDH

Ethical and Liability Considerations For Surveyors – 4 PDH (requesting 2.5 ethics designation)

Photogrammetry 101 – 4 PDH

ALTA/ACSM Surveys – 4 PDH

Finding Buried Property Corner Ferrous Markers Using Magnetic Locators – 4 PDH

Mr. Plummer reviewed the PDH applications from Nicholas Remy for the approval of the courses Highway Culvert Design, Applied Geology Part #1, Working Geology Part #2, Ethical and Liability Considerations for Surveyors, Photogrammetry 101, ALTA/ACSM Surveys, and Finding Buried Property Corner Ferrous Markers Using Magnetic Locators. After discussion, Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve the courses for a total of 28 PDHs with an ethics designation of 2.5 PDHs as requested. By unanimous vote, the motion carried.

Review of Application for Licensure by Examination – None

Review of Application for Licensure by Reciprocity

Robert Telschow – West Virginia

Mr. Bellafante summarized the application for licensure by reciprocity for Robert Telschow from the State of West Virginia. Mr. Telschow had not been licensed in the State of West Virginia for at least five years, therefore reciprocity could only be granted if West Virginia is substantially similar to the State of Delaware regarding licensure requirements. Mr. Bellafante made a motion, seconded by Mr. Plummer, to table Mr. Telschow's application and request additional information from Mr. Telschow regarding the similarity of West Virginia's licensure requirements to the State of Delaware. By unanimous vote, the motion carried.

Michael Vargo – NJ & PA

Mr. Bellafante summarized the application for licensure by reciprocity for Michael Vargo from the States of Pennsylvania and New Jersey. Mr. Bellafante made a motion, seconded by Mr. Rosenthal, to approve Mr. Vargo's application and grant approval to sit for the Delaware Drainage & Jurisprudence Examination. By unanimous vote, the motion carried.

Review of Application for Surveyor Intern – None

Review of Waiver for 2013 Continuing Education Requirement

Mark Busch

The Board reviewed correspondence from Mark Busch. Mr. Busch sought a waiver for the 2013 continuing education renewal requirement. Mr. Maloney read Rule 10.10 for the Board:

Rule 10.10 Noncompliance – Extenuating Circumstances. A licensee applying for renewal may request an extension and be given up to an additional twelve (12) months to make up all outstanding required PDHs providing he/she can show good cause why he/she was unable to comply with such requirements at the same time he/she applies for renewal. The licensee must state the reason for such extension along with whatever documentation he/she feels is relevant. The Board shall consider requests such as extensive travel outside the United States, military service, extended illness of the licensee or his/her immediate family, or a death in the immediate family of the licensee. The written request for extension must accompany the renewal application. The Board shall issue an extension when it determines that one or more of these criteria have been met or if circumstances beyond the control of the licensee have rendered it impossible for the licensee to obtain the required PDHs. A licensee who has successfully applied for an extension under this paragraph shall make up all outstanding hours of professional development within the extension period approved by the Board.

Mr. Maloney stated that Mr. Busch could be granted an extension of an additional twelve months to complete the requirement so long as good cause was shown as to why he was unable to comply with the requirement as outlined in Rule 10.10. Mr. Busch could not be granted a waiver for the 2013 continuing education renewal requirement. Mr. Bielicki made a motion, seconded Mr. Plummer, to have Mr. Busch submit an application (letter) for his extension request. By unanimous vote, the motion carried.

Ratification of Issuance of Land Surveying Certificate of Authorization - None.

Review of Land Surveying Certificate of Authorization – None

Review of Audits – None

Complaint Assignments and Status – None

Wall Certificates – None

Correspondence – None

Executive Discussion – None

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Are federal contractors required to be license in Delaware, and to what extent?

The Board received a question from the State of South Carolina inquiring if federal contractors were required to be licensed in Delaware and if they were to what extent. Mr. Maloney read section 2718 of the Board's Statute for the Board:

§ 2718. Applicability of chapter. Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of:

- (1) Any person or persons licensed to practice engineering or architecture in Delaware;
- (2) Any person or persons engaged solely in the teaching of land surveying or courses related to land surveying;
- (3) Any employee of the United States government while engaged in the practice of land surveying for said government within this State;
- (4) Any person or persons engaged in the practice of land surveying under the direct supervision of a professional land surveyor who is licensed in this State and who assumes responsibility for the activities of the unlicensed person or persons.

Mr. Maloney stated that with respect to section 2718(3) of the Statute, government employees are not required to be licensed if engaged in the practice of land surveying for the federal government within the State.

NCEES advancing licensure for engineers and surveyors

Mr. Maloney stated that NCEES had sent a contract to the Division for signature and he wanted the Board to review before having the Division Director James Collins sign the contract. The Board reviewed and discussed the contract and then recommended that Mr. Maloney present the contract to Mr. Collins to sign.

HB No. 115

Mr. Adams stated that the Bill received a number and sponsor however, it had not gone through an economic meeting and would not be voted on during this legislative session.

PUBLIC COMMENT

Larry McBride addressed the Board and requested that the Board readdress the topic of adding a retirement status to their Statute. Mr. Maloney stated that he would contact the Board's former DAG, Ms. Davis-Oliva to gain more information on the topic as it was once in the process to be submitted to the legislators.

Kevin Cantera addressed the Board and requested guidance on his continuing education (CE) situation. Mr. Cantera had recently discovered that his CE was short of the Delaware requirement. He had renewed his Maryland license six months prior to the expiration of his Delaware license and had realized that some of his CE courses he used for his Maryland renewal could not be used for his Delaware renewal due to the timeframes he took the courses. Mr. Bielicki stated that extenuating circumstances would have to be cited as a reason for the Board to grant an extension for completing CE requirements. Mr. Cantera did not present an extenuating circumstance and therefore the request was beyond the scope of the Board. The Board directed Mr. Cantera to the Board's website which listed approved CE topics and courses.

NEXT MEETING

The next meeting of the Board is August 15, 2013 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Rosenthal made a motion, seconded by Mr. Adams, to adjourn the meeting at 10:40 a.m. By unanimous vote, the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "LaToya Stephens", written in a cursive style.

LaToya Stephens
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.